

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

SHAWNDALE JAMISON,

Defendant.

ORDER

04-CR-133-S-01

Petition for revocation of defendant's supervised release came on to be heard before the Court in the above entitled matter on November 20, 2007, the government having appeared by Erik C. Peterson, United States Attorney for the Western District of Wisconsin, by Meredith Duchemin, Assistant United States Attorney; the defendant in person and by Anthony Delyea. Honorable John C. Shabaz, District Judge, presided.

Any appeal from this order must be filed in the next 10 days.

From the record and stipulation, the Court makes the following findings of fact.

Defendant was sentenced in the United States District Court for the Western District of Wisconsin on December 22, 2004 following his conviction for distribution of a mixture or substance containing cocaine base, a Schedule II controlled substance, a Class C felony, in violation of 21 U.S.C. § 841(a)(1). He was ordered to serve a 38-month term of imprisonment followed by a three-year term of supervised release. On May 4, 2007 defendant was released to supervision in the Northern District of Illinois.

Defendant stipulates that he violated the statutory condition that he not commit another federal, state or local crime. On October 22, 2007 defendant was arrested by Madison police officers for delivery of cocaine as a repeat offender. Defendant also stipulates to violating Standard Condition No.1 which prohibits him from leaving the judicial district without the permission of the Court or probation officer. At the time of his arrest on October 22, 2007 defendant did not have permission from his supervising probation officer to travel outside the Northern District of Illinois. Defendant also stipulates to violating Standard Condition No. 9 which prohibits him from association with any persons engaged in criminal activity and from associating with any person convicted of a felony. At the time of his arrest on October 22, 2007 defendant was in the company of a convicted felon.

Defendant's violations include conduct that falls into the category of Grade A violations as defined by §7B1.1(a)(1)(A) of the sentencing guidelines policy statement for violations of supervised release. In addressing such violations, the Court is directed to revoke supervised release.

Defendant's violations include conduct nearly identical to the behavior he engaged in leading to this offense. Defendant's violations require revocation. Accordingly, the three-year term of supervised release imposed on the defendant on December 22, 2004 will be revoked.

Defendant's criminal history category is II. A Grade A violation and a Criminal History Category II result in an advisory guideline range of imprisonment of 15 to 21 months. The statutory maximum term of imprisonment to which defendant can be sentenced is 24 months pursuant to 18 U.S.C. § 3583(a)(3) which provides that a person convicted under this statute may not be required to serve more than two years. After consideration of all factors, the Court determines that the statutory maximum sentence, 24 months, is reasonable and necessary to hold defendant accountable for his actions, provide for specific and general deterrence and protect the community.

ORDER

IT IS ORDERED that the period of supervised release imposed on defendant on December 22, 2004 is REVOKED and he is committed to the custody of the Bureau of Prisons for a term of 24 months. The defendant is to be registered with local law enforcement agencies and the state attorney general before his release from confinement. No term of supervised release shall follow the term of imprisonment.

Defendant does not have the financial means or earning capacity to pay the cost of incarceration.

Entered this 20th day of November, 2007.

BY THE COURT:

/s/

JOHN C. SHABAZ
District Judge